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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
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| 10/573,974                 | 03/30/2006  | Achim Luft           | 1454,1698                  | 9937             |
| 21171                      | 7590        | 11/05/2008           |                            |                  |
| STAAS & HALSEY LLP         |             |                      | EXAMINER                   |                  |
| SUITE 700                  |             |                      | NGUYEN, PHUNG HOANG JOSEPH |                  |
| 1201 NEW YORK AVENUE, N.W. |             |                      |                            |                  |
| WASHINGTON, DC 20005       |             |                      | ART UNIT                   | PAPER NUMBER     |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |  |                                    |
|------------------------------|--|------------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/573,974     | <b>Applicant(s)</b><br>LUFT ET AL. |
|                              | <b>Examiner</b><br>PHUNG-HOANG J. NGUYEN | <b>Art Unit</b><br>2614            |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 September 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/DS/06)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. Applicant's amendment filed 9/19/2008 has been carefully considered and has been entered. Claim 22 has been amended. No new claim is added even though claim 15 still marks "new". Examiner reviews and believes it should read "previously presented". Claims 12-22 are still pending in this application, with claims 12 being independent.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**2. Claims 12-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibao (EP 1 289 241 A1).**

As to claims 12 and 22, Shibao teaches a method for setting up a communication link from a first telecommunication device (Fig. 1, *calling-end terminal station 3*) over a telecommunication network (Fig. 1, *communications network 7*) to a second telecommunication device (Fig. 1, *called-end terminal station 5*) comprising:

storing in the telecommunication network (Fig. 1, col. 4, lines 26-27; col. 7, line 45; col. 8, lines 6 ) multimedia objects assigned to a first telecommunication subscriber (*i.e., animation or other types of moving pictures adds to the traffic*, col. 4, lines 15-18), each multimedia object having a corresponding reference number (*i.e., When the animation as calling party information C11 and C21 (of figs. 1 and 4) is stored, the*

*calling party information DB91 stores frames in bitmap format, col. 13, lines 8-16; Or when the animation is stored, may be stored using geometric patterns, Col. 13, lines 17-35. This indicates that there is a reference number attached to frame or bitmap).*

defining an assignment mapping using at least one data set which specifies assignment of a specific call recipient to a specific reference number of a specific multimedia object (*i.e., calling party information server 9 having calling party information DB91 with the assignment mapping list, fig. 1*);

sending a connection setup request (*i.e., a call-up, col. 1, line 11 and also steps 1 and 2 of fig. 4*) from the telecommunication device assigned to the first telecommunication subscriber to the telecommunication network which specifies that a communication link from the first telecommunication device (Fig. 1, *calling-end terminal station 3*) to a second telecommunication device (Fig. 1, *called-end terminal station 5*) assigned to a second telecommunication subscriber is to be set up (Fig. 1, *instruction for connection preparation 71*);

determining the corresponding reference number specified for the second telecommunication subscriber based on the assignment mapping (*Fig. 1, 92, 93, and 94; [0064]*);

transmitting, from the telecommunication network to the second telecommunication device, an identified multimedia object assigned to the corresponding reference number (Fig. 1, *calling party information 94*);

playing back the identified multimedia object on the second telecommunication device (*Fig. 2, step S14*).

As to claim 13, Shibao teaches the determining the corresponding reference number specified for the second telecommunication subscriber based on the assignment mapping (*i.e., calling party information server 9 having DB91 with the assignment mapping list*) is performed by the first telecommunication device further comprises: storing the assignment mapping in the first telecommunication device (*Fig. 11, calling end terminal station 3c*), and after the determining of the corresponding reference number for the second telecommunication subscriber, transmitting the corresponding reference number from the first telecommunication device to the telecommunication network prior to transmitting of the identified multimedia object to the second telecommunication device (*Fig. 11, calling party information selector unit 36; calling party information summary DB 38*).

As to claim 14, Shibao teaches the determining of the corresponding reference number ([0068], *calling information C11 and C21*) is performed by the telecommunication network (*Fig. 1, communications network 7*).

As to claim 15, Shibao teaches indicating a predetermined reference number of a predetermined multimedia object if no data record is present in the assignment mapping for the second telecommunication subscriber ([0018] - [0020]).

As to claims 16-17, Shibao teaches the steps of storing and transmitting identified multimedia object from the network to the second device only if the corresponding reference number of the multimedia object and comparing with the corresponding reference number of the first subscriber multimedia object stored on the second device to determine if the identified multimedia is present on the second device

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and returning a message from the second device to the network ([0018] - [0020]; [0106] - [0112]).

As to claim 18, Shibao teaches the multimedia objects assigned to the first telecommunication subscriber have associated with a storage authorization specification indicating whether the multimedia objects assigned to the first telecommunication subscriber may be stored on the second telecommunication device after transmitting ([0068] - where Shibao discussed calling party information server 9 stores multimedia objects C11, and the called-end terminal station 5 alerts about calling party information matches the calling-end terminal. Note that Applicant recites the language of may be (or may be not) stored on the second telecommunication device after transmitting, hence Shibao does not mention whether the multimedia objects is stored on the second telecommunication device or not, it still reads on claim).

As to claim 19, Shibao teaches the multimedia objects include at least one of a picture and tone information (col. 4, lines 15-18; col. 19, lines 28-35; [0056]).

As to claim 20, Shibao teaches at least one of the first and second devices is one of a mobile radio device, a mobile telephone, a computer with radio module and a landline telephone (par. 0045).

As to claim 21, Shibao teaches the network is at least one of a public fixed line telephone network (col. 10, lines 31-33 and 55) and a mobile radio network which operating according to at least one of the Global System for mobile communication (col. 11, line 11) and UMTS.

***Cited Related Prior Art***

The prior art made of record and not relied upon is considered pertinent applicant's disclosure:

Nolan et al. (US Pat 6, 640,278)

Mauger et al (US Pat 6, 937,612)

***Response to Arguments***

Applicant's arguments, with regards to claims 12-22 filed 9/19/2008, have been fully considered but they are not persuasive.

Gathering from the applicant's remark that the following claims are the key concern that the applicant has expressed the traversal of rejection (quoting):

"Claim 12 recites:

storing in the telecommunication network multimedia objects assigned to a first telecommunication subscriber, each multimedia object having a corresponding reference number;

defining an assignment mapping using at least one data set which specifies assignment of a specific call recipient to a specific reference number of a specific multimedia object;

determining the corresponding reference number specified for the second telecommunication subscriber based on the assignment mapping;

transmitting, from the telecommunication network to the second telecommunication device, an identified multimedia object assigned to the corresponding reference number (emphasis added).

Applicant's reason for concern is as followed (quoting):

"In Fig. 1, Shibao relates to the calling-party-information acquiring unit 93 in the calling party information server 9 that stores calling party information C11 corresponding to a calling-end terminal station number A1 and a called-end terminal station number B1 and calling party information C21 corresponding to a calling-end terminal station number A2 and a called-end terminal station number B1. The calling party information reproducing unit 52 in a called-end terminal station 5 alerts the user to the reception of a call based on the calling party information C11 if the call comes from the terminal station 3 of the terminal station number A1 and on the calling party information C21 if the call comes from the terminal station 3 of the terminal station number A2 (see paragraph [0068].

This labeling of calling party information does not indicate a reference number attached to a frame or bitmap because the reference to the calling party information is performed by the calling end terminal station number and the called end terminal station number. This combination of numbers is dedicated to only one calling party information and, therefore, a reference number is not provided and not necessary.

Hence, Shibao does not anticipate each multimedia object having a corresponding reference number, defining an assignment mapping using at least one data set which specifies assignment of a specific call recipient to a specific reference number of a specific multimedia object, determining the corresponding reference number specified for the second telecommunication subscriber based on the assignment mapping, and transmitting an identified multimedia object assigned to the corresponding reference number.

Accordingly, claim 12 is not anticipated by Shibao and patentably distinguishes over the cited art<sup>\*</sup>

Examiner respectfully wishes to express the difference in understanding and interpretation of the prior art. In the field of multimedia communication, specifically when involves the communication of object and images, data structure, by protocol, is a key in managing the file, object and image. National Institute of Standard and Technology (NIST) defines data structure in brief as "An organization of information, usually in memory, for better algorithm efficiency, such as queue, stack, linked list, heap, dictionary, and tree, or conceptual unity, such as the name and address of a person.

Applicant does not specifically disclose the term "data structure". Let it be no doubt, however, to the ordinary skilled artisan that the applicant discusses it as a way to organize a list of objects, a plurality of objects, a mass of objects with reference number in such a structure, a table, a list or a map as applicant prefers to. Regardless of what party initiated the communication, common information, such as labeling, addressing, header, assignment of a reference number to a specific object is pre-required and must be pre-shared in some format, for example, a common database and/or a server and/or

Home Location Register and/or Visitor Location Register or pre-set by the subscriber of the specific terminal device. Its purpose is simply to ensure for proper communication (sending and receiving correct object to the right destination) beside quality of service and resource/bandwidth saving. Furthermore, it is also to authenticate the communication.

Shibao discusses storing, defining, determining and transmitting call information which definitely includes all the pre-set condition as part of protocol discussed above (*certainly objects in bitmap frame SEQUENTIALLY, par. 0052*). Examiner understands objects being arranged in sequential order is labeled with a reference number or some form of representation. Furthermore, Shibao in a fancy way teaches storing animation and/or transmitting based on a combination of movement of each character or object. Here, the ordinary skilled artisan must recognize the essential of data structure taken place in this process of storing, defining, determining and transmitting.

From the software application perspective, operating means can only access and execute the program when there is a presence of the organization of object in list, directory, record, register or allocation table as prefers to by applicant.

The inherent nature of this technology is quite clear and present to an ordinary skilled artisan. Therefore, examiner respectfully maintains the original rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/CURTIS KUNTZ/

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